

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mayo Foundation for Medical Education
and Research,

Plaintiff,
v.

Knowledge to Practice, Inc.,
Defendant.

Case No. 21-cv-1039 (SRN/TNL)

ORDER

Andrew B. Brantingham, Alan J. Iverson, and Nathan J. Ebnet, Dorsey & Whitney LLP, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402; Payton E. George, Dorsey & Whitney LLP, 1401 New York Avenue NW, Suite 900, Washington, D.C. 20005 for Plaintiff.

Anthony R. Zeuli, Elisabeth S. Muirhead, Gregory C. Golla, Ariel O. Howe, and Peter A. Gergely, Merchant & Gould, 150 South Fifth Street, Suite 2200, Minneapolis, MN 55402, for Defendant.

SUSAN RICHARD NELSON, United States District Judge

In the Court's October 16, 2023 Order [Doc. No. 275] on the parties' cross motions for summary judgment and Plaintiffs' motions to exclude expert witnesses, the Court ordered the parties to meet and confer to establish a briefing schedule on the award of costs and fees to Mayo, the prevailing party in the case. On October 31, 2023, the Court entered an order [Doc. No. 278] that contained briefing deadlines and a hearing date, consistent with the parties' stipulated agreement [Doc. No. 277]. Subsequently, the parties twice requested that the Court extend the deadlines [Doc. Nos. 279, 281], and the Court granted the joint requests [Doc. Nos. 280, 282].

In the parties' joint letter of January 24, 2024 [Doc. No. 283], they state that they have reached an agreement in principle to resolve the issue of fees and costs and are working to memorialize the agreement. They therefore believe it is appropriate to remove the currently scheduled hearing date of February 29, 2024 at 1:30 p.m. from the Court's calendar.

The Court appreciates the parties' good-faith efforts to resolve the matter of fees and costs and will remove the February 29, 2024 hearing date from the calendar. In order to achieve a timely resolution of this matter, the Court directs the parties to either file a stipulation of dismissal within 90 days or, absent a stipulation of dismissal, the Court expects the motion to proceed with a hearing on May 3, 2024 at 9:30 a.m. The hearing will be held in person, in Courtroom 7B of the Warren E. Burger Federal Building and U.S. Courthouse, 316 N. Robert St., Saint Paul, Minnesota.

THEREFORE, IT IS HEREBY ORDERED that:

1. The hearing date of February 29, 2024 at 1:30 p.m. on Plaintiff's contemplated motion for attorneys' fees and costs is hereby **CANCELED**.
2. **Within 90 days**, the parties shall either file a stipulation of dismissal or the motion shall proceed with a hearing on May 3, 2024 at 9:30 a.m.

Dated: January 25, 2024

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge